

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CARLOS V. MUNOZ,
Appellant.

No. 2 CA-CR 2021-0115
Filed August 10, 2022

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Santa Cruz County
No. S1200CR201700017
The Honorable Thomas Fink, Judge

AFFIRMED

COUNSEL

Scott A. Martin, Tucson
Counsel for Appellant

STATE v. MUNOZ
Decision of the Court

MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Eppich and Vice Chief Judge Staring concurred.

ESPINOSA, Judge:

¶1 Following a jury trial, appellant Carlos Munoz was convicted of continuous sexual abuse of a child, sexual conduct with a minor under fifteen, sexual assault, and child molestation, all committed against his twelve-year-old step-daughter. The trial court sentenced him to consecutive and concurrent prison terms totaling life plus twenty-seven years. Munoz appealed, and this court affirmed his convictions but “vacate[d] his life sentences for sexual assault and sexual conduct with a minor and remand[ed] for resentencing under § 13-705(C) on those counts.” *State v. Munoz*, No. 2 CA-CR 2018-0309, ¶ 1 (Ariz. App. Aug. 21, 2020) (mem. decision). On remand, the trial court imposed an enhanced, maximum, twenty-seven-year prison term on each of those counts, to be served concurrently with each other, but consecutively to the sentences on the remaining counts.

¶2 In this appeal from the sentences imposed on remand, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530 (App. 1999), stating he has reviewed the record and has found no “arguable issues for appeal.” Counsel has asked us to search the record for fundamental error. Munoz has not filed a supplemental brief. We conclude the sentences imposed are within the statutory limit. See A.R.S. §§ 13-705(D), 13-1401(A)(4), 13-1405(A), 13-1406(A).¹

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error in regard to resentencing and have found none. Therefore, Munoz’s sentences are affirmed.

¹Section 13-705 was amended in 2021, which resulted in changes to the letters of its subsections. See 2021 Ariz. Sess. Laws, ch. 202, §1. Because the amendment did not substantively change the subsection relevant here, we cite to the current subsection.